

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
RHINESTONE JEWELRY CORP.

Civil Action No. 08 CV 0462 (RMB)

Plaintiff,

Case 1:08-cv-00462-RMB

**CASE MANAGEMENT PLAN  
AND JOINT REPORT  
PURSUANT TO  
FED. R. CIV. PROC. 26(f) AND  
PROPOSED DISCOVERY  
SCHEDULE**

Page 1 of 4

v.

GLAMOUR GODDESS JEWELRY, INC.  
and DON GOLDEN,

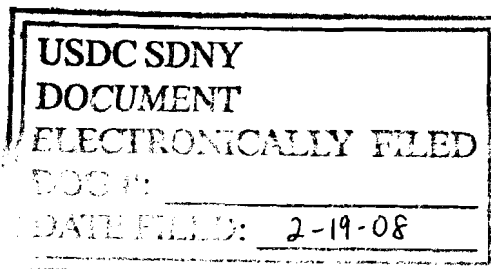
Defendants.  
-----X

Plaintiff Rhinestone Jewelry Corp. ("Plaintiff") and Defendants Glamour Goddess Jewelry, Inc. and Don Golden ("Defendant"), having held a meeting of counsel pursuant to Fed. Rule Civ. P. 26(f), and pursuant to Fed. Rule Civ. P. 16 and this Court's Order of January 22, 2008, respectfully submit this Joint Report of that meeting.

- (i) Joinder of Additional Parties By: April 19, 2008
- (ii) Amend Pleadings by: April 19, 2008
- (iii) Discovery Completed by: ~~October 13, 2008~~ (see below) **6/20/08 Fact + Expert**
- (iv) Consent to Proceed Before Magistrate: Yes, for settlement only (parties jointly request court-supervised mediation) - **A REFERRAL TO MEDIATION HAS BEEN MADE**
- (v) Status of Settlement Discussions: Ongoing; Plaintiff has recently made

**6/23/08 @ 10:30 w. tl pm upda**

27935/000/819984.1



settlement demand, Defendant has not yet responded.

1. DISCOVERY SCHEDULE

The parties jointly agree to the following discovery plan:

Case 1:08-cv-00462-RMB Document 4 Filed 02/18/2008 Page 2 of 4

(A) Initial Discovery pursuant to Federal Rule of Civil Procedure

26(a)(1) shall be served by **March 19, 2008**.

(B) All fact discovery shall be completed by ~~August 10, 2008~~ **6/20/08**

(C) All parties shall designate any experts they intend to call, and serve such expert reports by ~~August 20, 2008~~ **6/20/08**

(D) Expert rebuttal reports, if any, shall be served by ~~September 20, 2008~~ **6/20/08**

(E) All expert discovery shall be completed by ~~October 10, 2008~~ **6/20/08**

(F) All dispositive motions shall be served ~~no later than October 01, 2008~~ **SEE COURT'S RULES RE: MOTIONS**

2. SUBJECTS OF DISCOVERY

The parties agree that, at this time, there is no reason to conduct discovery in phases or modify the limitations on discovery imposed by the Federal Rules of Civil Procedure or the Local Rules.

Plaintiff contends that the likely subjects of discovery are: (a) Defendants' access

to the copyrighted works; (b) Defendants' first sale of the allegedly infringing products; (c) Defendants' procurement of the allegedly infringing products; (d) Revenue received by the Defendants attributable to the alleged infringement; and (e) Defendants' pricing and other acts of alleged bad faith.

Case 1:08-cv-00462-RMB Document 4 Filed 02/18/2008 Page 3 of 4


Defendants contend that the likely subjects of discovery are: (a) Plaintiff's creation of the designs at issue; (b) Plaintiff's ownership of copyright in the designs at issue; (c) Plaintiff's anti-competitive motivation for commencing the action, Plaintiff's knowledge of identical prior designs by third parties and other acts of alleged bad faith.

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN P.C.

Date: February 15, 2008

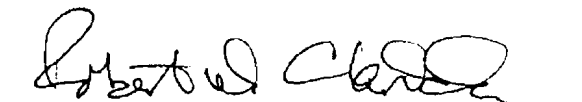
By:

  
Richard S. Schurin  
Attorneys for Plaintiff

COWAN LIEBOWITZ & LATMAN P.C.

Date: February 15, 2008

By:

  
Robert W. Clarida (RC 3190)  
Attorneys for Defendants

2/19/08 <sup>3</sup>

Richard M. Berman  
SO ORDERED